

105TH CONGRESS
1ST SESSION

H. R. 2769

To ensure that background checks are conducted before the transfer of
a handgun by a firearms dealer.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 29, 1997

Mr. SCHUMER (for himself, Mr. MEEHAN, Mr. NADLER, Mr. McDERMOTT, Ms. LOFGREN, Mr. MENENDEZ, Mrs. MORELLA, Mr. BERMAN, Ms. KILPATRICK, Mr. GUTIERREZ, Mr. BARRETT of Wisconsin, Ms. FURSE, and Mr. BLAGOJEVICH) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To ensure that background checks are conducted before the
transfer of a handgun by a firearms dealer.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Brady Background
5 Check Improvement Act”.

1 **SEC. 2. BACKGROUND CHECK REQUESTS REQUIRED TO BE**
2 **SENT TO CHIEF LAW ENFORCEMENT OFFI-**
3 **CERS WHOSE POLICE DEPARTMENTS ARE CO-**
4 **OPERATING IN CONDUCTING THE CHECKS.**

5 Section 922(s) of title 18, United States Code, is
6 amended—

7 (1) in each of subclauses (III) and (IV) of para-
8 graph (1)(A)(i), by striking “the chief law enforce-
9 ment officer of the place of residence of the trans-
10 feree” and inserting “a designated chief law enforce-
11 ment officer with respect to the transfer”;

12 (2) by striking paragraph (2) and inserting the
13 following:

14 “(2)(A) Upon request of a chief law enforcement offi-
15 cer of a cooperating law enforcement agency, the Sec-
16 retary shall certify the chief law enforcement officer as
17 the head of a cooperating law enforcement agency.

18 “(B) For purposes of subparagraph (A) of this para-
19 graph, a law enforcement agency is a cooperating law en-
20 forcement agency if the agency maintains a practice, upon
21 receipt of a notice provided pursuant to paragraph
22 (1)(A)(i)(III) with respect to the transfer of a handgun,
23 of making a reasonable effort to ascertain within 5 busi-
24 ness days whether receipt or possession of the handgun
25 by the transferee would be in violation of Federal, State,
26 or local law, including research in whatever State and local

1 record keeping systems are available and in a national sys-
 2 tem designated by the Attorney General.

3 “(C)(i) Not later than 90 days after the date of the
 4 enactment of this paragraph and periodically thereafter,
 5 the Secretary shall provide to each licensed dealer and
 6 shall cause to have published in the Federal Register a
 7 list of the chief law enforcement officers certified under
 8 subparagraph (A).

9 “(ii) From time to time, the Secretary may cause to
 10 have published in the Federal Register and may provide
 11 to each licensed dealer, or to each licensed dealer within
 12 a State, a list of chief law enforcement officers previously
 13 certified under subparagraph (A) who the Secretary deter-
 14 mines are no longer the head of a cooperating law enforce-
 15 ment agency.”;

16 (3) in paragraph (8)—

17 (A) by inserting “(A)” after “(8)”; and

18 (B) by adding at the end the following:

19 “(B) For purposes of this subsection, the term ‘des-
 20 ignated chief law enforcement officer’ means, with respect
 21 to a handgun transfer, any of the following who is a listed
 22 chief law enforcement officer:

23 “(i) The chief law enforcement officer of the
 24 place of residence of the transferee.

1 “(ii) The chief law enforcement officer of the
2 place of business of the transferor at which the
3 handgun transfer is to be made.

4 “(iii) The chief law enforcement officer of the
5 State in which the place of business described in
6 clause (ii) is located.

7 “(C) For purposes of this subsection, the term ‘listed
8 chief law enforcement officer’ means, with respect to a
9 handgun transferor, a chief law enforcement officer who—

10 “(i) has been identified, in the list of chief law
11 enforcement officers most recently distributed to the
12 transferor under paragraph (2)(C)(i), as the head of
13 a cooperating law enforcement agency; and

14 “(ii) has not been identified, in a list of chief
15 law enforcement officers subsequently distributed to
16 the transferor under paragraph (2)(C)(ii), as the
17 head of a law enforcement agency that has ceased
18 to be a cooperating law enforcement agency.”; and

19 (4) by adding at the end the following:

20 “(10) In the absence of an express provision of State
21 law that prohibits a State or local law enforcement officer
22 from conducting a background check on a handgun pur-
23 chaser, a chief law enforcement officer may make a rea-
24 sonable effort to ascertain, within 5 business days after
25 receipt of a notice provided pursuant to paragraph

1 (1)(A)(i)(III), whether receipt or possession of the hand-
2 gun involved would violate the law, including research in
3 whatever State and local recordkeeping systems are avail-
4 able and in a national system designated by the Attorney
5 General.”.

